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6
7 Attorney for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

11 THEODORE CHARACH, on behalf of
12 himself, and all other residents
13 of the State of California,

14 Plaintiff,

15 vs.

16 THE LOS ANGELES POLICE DEPARTMENT,
17 EDWARD M. DAVIS, individually and
18 as Chief of Police of the City of
19 Los Angeles, and as representative
20 of the class of members of the Los
21 Angeles Police Department, ROBERT
22 A. HOUGHTON, individually and as
23 Deputy Chief of Police of the City
24 of Los Angeles and as author of
25 the published book, SPECIAL UNIT
26 SENATOR, EVELLE J. YOUNGER, indivi-
27 dually and as District Attorney of
28 the County of Los Angeles, and as
29 representative of the class of members
30 of the Office of the District Attorney
31 of Los Angeles County, and DOES ONE
32 thru FIFTY, inclusive,

Defendants.

No. 978371

COMPLAINT FOR DISCLOSURE
OF INFORMATION

(Gov. Code §54950)

Plaintiff alleges on behalf of himself and all other
residents of the State of California:

I

The subject matter of this action is one of a common or
general interest of many persons, who are so numerous that it is
impracticable to bring them all before the Court. These other
persons are affected in exactly the same manner as plaintiff is

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1 affected, and plaintiff brings this action for the benefit of all
2 such persons.

3 II

4 This action is brought pursuant to Government Code
5 §54950, which provides as follows:

6 "In enacting this chapter, the Legislature finds
7 and declares that the public commissions, boards
8 and councils and the other public agencies (em-
9 phasis added) in this state exist to aid in the
10 conduct of the people's business. It is the
11 intent of the law that their actions be taken
12 openly and that their deliberations be conducted
13 openly.

14 The people of this state do not yield their
15 sovereignty to the agencies which serve them.
16 The people, in delegating authority, do not
17 give their public servants the right to decide
18 what is good for the people to know and what is
19 not good for them to know. The people insist on
20 remaining informed so that they may retain con-
21 trol over the instruments they have created.
22 (emphasis added)"

23 III

24 Defendant LOS ANGELES POLICE DEPARTMENT is the agency
25 and department of the City of Los Angeles, State of California,
26 responsible for the police protection of that City within the
27 State of California, and for the police investigations of all crimes
28 committed within that City. Said defendant does not have the right
29 to decide what is good for the people to know and what is not good
30 for them to know.

31 IV

32 Defendant EDWARD M. DAVIS is the Chief of Police of the

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1 City of Los Angeles, State of California. He is responsible for
2 the supervision, control, regulation and management of the Police
3 Department and each and every officer thereof, and for the investi-
4 gation into all crimes committed within the City of Los Angeles,
5 and, in June of 1968 as Deputy Chief of Police, particularly that
6 investigation into the murder of Senator Robert F. Kennedy on June
7 5, 1968. He is empowered and has the responsibility to set policy
8 for and to make and enforce all necessary and desirable rules and
9 regulations of said Police Department. He is sued individually and
10 in his capacity and as representative of the members of the defend-
11 ant Police Department, who have carried out, and continue to carry
12 out a course of conduct which has suppressed, and continues to
13 suppress important, valuable and relevant information concerning
14 the investigation into the murder of Senator Robert F. Kennedy by
15 said Police Department, and which has and continues to deprive the
16 citizens and residents of the State of California of the full and
17 uncensored information concerning the assassination of Senator
18 Robert F. Kennedy.

19 V

20 Defendant EVELLE J. YOUNGER is, and at all times herein
21 mentioned has been the District Attorney of the County of Los
22 Angeles, State of California. As such, he is its public prosecu-
23 tor, responsible for the prosecution of all public offenses. He
24 is responsible for the supervision, control, regulation and man-
25 agement of the Office of the District Attorney, and each and every
26 member thereof, and for the trial of all felonies committed within
27 the County of Los Angeles, and particularly that trial known as
28 "The People of the State of California vs. Sirhan Bishara Sirhan,"
29 alleging the murder of Senator Robert F. Kennedy. He is empowered
30 and has the responsibility to set policy for and to make and en-
31 force all necessary and desirable rules and regulations of said
32 Office of the District Attorney. He is sued individually and in

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1 his capacity as representative of the members of the Office of
2 the District Attorney, who have carried out and continue to carry
3 out a course of conduct which has suppressed, and continues to
4 suppress important, valuable and relevant information concerning
5 the investigation of the murder of Senator Robert F. Kennedy, and
6 particularly concerning the prosecution in the trial known as
7 "The People of the State of California vs. Sirhan Bishara Sirhan,"
8 and has and continues to deprive the citizens and residents of
9 the State of California of the full and uncensored information
10 concerning said murder.

11 VI

12 Defendant ROBERT A. HOUGHTON, in June of 1968, was
13 Chief of Detectives, and is now Deputy Chief of Police of the City
14 of Los Angeles, State of California. During the early part of
15 1970, said defendant wrote, authored, caused to be copyrighted
16 and released for publication a book entitled "Special Unit
17 Senator" in the foreward of which he said, among other things,
18 "It was written for the sole purpose of acquainting the American
19 public with the facts of the investigation, and with the evidence,
20 or lack of evidence, as it exists, of conspiracy in association
21 with Senator Kennedy's assassination..."

22 VII

23 Pursuant to the policies set forth in Government Code
24 §54950, as aforesaid, plaintiff, as a resident of the State of
25 California, and all of the people of the State of California, are
26 entitled to know all the facts and evidence uncovered by the de-
27 fendant LOS ANGELES POLICE DEPARTMENT and the investigation by
28 its "Special Unit Senator" under the leadership of defendant
29 ROBERT A. HOUGHTON, and all the facts and evidence within the
30 knowledge of EVELLE J. YOUNGER and the Office of the District
31 Attorney in connection with the trial of "People vs. Sirhan," and
32 the murder of Senator Robert F. Kennedy, which facts and evidence

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1 disprove that Senator Robert F. Kennedy was killed by a bullet
2 fired from the gun of Sirhan Bishara Sirhan, and disproves that
3 no other guns were brandished or fired at or within seconds of
4 the time that Sirhan B. Sirhan fired his gun, and which disproves
5 that the fatal bullet came from the direction of Sirhan Bishara
6 Sirhan at that time and place.

7 VIII

8 Contrary to the policy as set forth in Government Code
9 §54950, as hereinabove set forth, said defendants, and each of
10 them, have deliberately, intentionally and knowingly suppressed
11 facts and evidence within their knowledge and control, and con-
12 tinue to do so, usurping the right of the People to remain in-
13 formed and on the part of said defendants, and each of them, at-
14 tempting to decide what is good for the People to know and what
15 is not good for them to know.

16 IX

17 The suppressed facts and evidence referred to in para-
18 graph VII above include the following:

19 A. At the time Sirhan Bishara Sirhan commenced firing
20 of his pistol, Donald Schulman, an employee of Los Angeles Televi-
21 sion Station KNXT, was directly behind Senator Robert F. Kennedy
22 and saw a uniformed security guard fire his hand gun, and said
23 Donald Schulman saw Senator Kennedy hit by three bullets. Defend-
24 ant EVELLE J. YOUNGER, the District Attorney, did not call
25 Schulman to testify before the grand jury or at the trial of
26 Sirhan Bishara Sirhan, nor did he mention Schulman in his report
27 to the People of this state at his press conference reporting on
28 the Kennedy murder, despite the fact that Schulman was interviewed
29 by television newsman within minutes of the shooting, and reported
30 the firing by a security guard, which interview was both broadcast
31 on television and reported in numerous news papers.

32 B. KARL UECKER, the maitre de who was escorting Senator

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1 Kennedy through the kitchen of the Ambassador Hotel, moved
2 quickly and grabbed Sirhan in an arm and head lock after the
3 second shot fired by Sirhan. Immediately after subduing Sirhan
4 with the help of Roosevelt Grier and Rafer Johnson, UECKER saw
5 a security guard with his gun drawn and in his hand.

6 Defendants, and each of them, deliberately, intentionally
7 and knowingly suppressed this evidence from the People of the State
8 of California by not presenting it to the grand jury or at the
9 trial of People v. Sirhan through their questioning of Mr. Uecker.

10 C. Defendant ROBERT A. HOUGHTON indicates in his book
11 "Special Unit Senator" that the Los Angeles Police Department
12 ascertained that there was no possibility of any person with
13 right-wing connections being in the kitchen or pantry the night
14 of June 4-5, 1968. The facts are that THANE EUGENE CESAR, a
15 part-time employee of Ace Security Guard Service, was assigned to
16 the Ambassador Hotel to augment the hotel's security staff. CESAR
17 was a vocal supporter of George Wallace in the presidential elec-
18 tion of 1968, and worked on behalf of the American Independent
19 Party during that election year, and was associated with other
20 right-wing views and activities, and has expressed his hatred for
21 the Kennedy family of which Senator Kennedy was a member, and has
22 expressed his resentment toward liberal views held by said
23 Senator, specifically including the Senator's identification with
24 the black community.

25 D. THANE EUGENE CESAR was accompanying Senator Kennedy
26 and KARL UECKER through the kitchen after waiting at the swinging
27 doors leading into the room where the Senator was shot. CESAR
28 admits drawing his hand gun at the time Sirhan B. Sirhan began
29 firing, and being on the floor with his back against the ice
30 machine behind and below and to the right of Senator Kennedy,
31 close enough to receive powder burns.
32 -----

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1 The shot that fatally wounded Senator Robert F. Kennedy
2 came from back to front, from down to up, and from right to left.
3 Sirhan Bishara Sirhan was never in that position, but CESAR was.
4 In addition, CESAR has admitted that he owned a .22 caliber
5 pistol similar to Sirhan's, but does not presently know the
6 whereabouts.

7 Defendants, and each of them, have deliberately, inten-
8 tionally and knowingly suppressed this evidence from plaintiff and
9 from the People of the State of California by not calling CESAR
10 to testify before the grand jury or at the trial of People vs.
11 Sirhan. As further suppression of CESAR's part in the tragedy,
12 the police report of the "Special Unit Senator" stated that there
13 were no security guards at the swinging doors prior to the time of
14 the shooting, and that no persons of right-wing connections were
15 in the kitchen at the time of the shooting.

16 E. The autopsy report prepared by DR. THOMAS T.
17 NOGUCHI, Los Angeles County Chief Medical Examiner and Coroner,
18 conclusively proves that:

19 1. Senator Kennedy died as a result of a gunshot
20 wound in the head, the wound trajectory being back to front,
21 right to left, and upward.

22 2. The head wound was inflicted from a distance of
23 from one inch to a maximum of three inches away.

24 3. Senator Kennedy had two contact gunshot wounds
25 under his right armpit which were inflicted from less than six
26 inches away.

27 Despite the fact that defendant ROBERT A. HOUGHTON in
28 his book referred to "Special Unit Senator" as "the longest,
29 largest and most expensive criminal investigation ever undertaken
30 by the Los Angeles Police Department, possibly the most extensive
31 investigation ever conducted by any local law enforcement agency,
32 nevertheless, the defendant EVELLE J. YOUNGER, through his deputy

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1 district attorneys, intentionally and knowingly suppressed the
2 evidence hereinabove referred to from the People of the State of
3 California by asking only generalities of DR. THOMAS T. NOGUCHI,
4 and not specifics, at the trial of Sirhan Bishara Sirhan and, by
5 the suppression of these facts and this evidence from the People
6 of this State by the defendants, and each of them, the plaintiff
7 and other citizens and residents of the State of California were
8 prohibited from being fully informed and were told only what said
9 defendants decided was good for them to know.

10 X

11 Plaintiff is informed and believes, and therefore al-
12 leges, that defendants are in the possession of many other facts
13 which disprove the "lone assassin" theory put forth by the de-
14 fendants at the trial of People vs. Sirhan, but that defendants
15 have repressed these facts from the People of the State of Cali-
16 fornia.

17 XI

18 The repression of the facts and evidence set forth
19 herein, but not limited to that set forth herein, is contrary
20 to the policy of the State of California as expressed in Govern-
21 ment Code §54950, and is a violation of the public trust.

22 XII

23 The true names or capacities, whether individual, cor-
24 porate, associate or otherwise, of defendants named herein as
25 DOES ONE through FIFTY, inclusive, are unknown to plaintiff, who
26 therefore sues said defendants by such fictitious names, and
27 plaintiff will amend this complaint to show their names and capa-
28 cities when same have been ascertained.

29
30 WHEREFORE, plaintiff, on behalf of himself and all
31 other citizens and residents of the State of California, prays
32 for judgment as follows:

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1 1. That defendants, and each of them, be enjoined
2 from determining what is good for the people to know and what is
3 not good for them to know, and be ordered to disclose and make
4 public all of the facts and evidence revealed by their investiga-
5 tion into the murder of Senator Robert F. Kennedy.

6 2. That defendant ROBERT A. HOUGHTON, DOE ONE, DOE
7 TWO, DOE THREE and DOE FOUR be enjoined and restrained from fur-
8 ther publication, distribution or sale of that book entitled
9 "Special Unit Senator" without revealing and disclosing all of
10 the facts and evidence contained in the investigation headed by
11 ROBERT A. HOUGHTON into the murder of Senator Robert F. Kennedy.

12 3. That defendants, and each of them, be ordered to
13 fully and fairly report to the People of this State as to the ad-
14 visability of recommending the establishment of a special federal
15 investigating agency to fully, fairly, dispassionately, openly
16 and diligently investigate and report on the assassinations of
17 federal officials, elected representatives and persons of na-
18 tional prominence to resolve all issues and questions, and help
19 prevent future tragedies.

20 4. For such other and further relief as to the Court
21 may seem just.
22

23 _____
GODFREY ISAAC

24 Attorney for Plaintiff
25 THEODORE CHARACH
26

27
28 NOTE: PACIFIC TELEPHONE - NORTHWESTERN
29 AREA - MARCH 1970 LISTS:

30 CESAR THANE E 19131 VICTORY
31 (LOS ANGELES - CITY) RESEDA
32 PHONE - 881-2157

(VERIFICATION — 441, 2015.5 C. C. P.)

STATE OF CALIFORNIA
COUNTY OF Los Angeles } ss

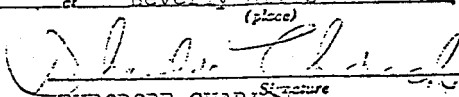
I am the plaintiff

in the above entitled action; I have read the foregoing Complaint for Disclosure of
Information (Gov. Code §54950)

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which
are therein stated upon my information or belief, and as to those matters I believe it to be true.

I certify (or declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on June 4, 1970 at Beverly Hills, California
(date) (place)


THEODORE CHARACH
Signature

(PROOF OF SERVICE BY MAIL — 1013, 2015.5 C. C. P.)

STATE OF CALIFORNIA
COUNTY OF } ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not
a party to the within entitled action; my business address is:

On _____, 19____, I served the within

on the
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the
United States mail at
addressed as follows:

I certify (or declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on _____ at _____, California
(date) (place)

Signature

*Both the verification and proof of service by mail forms, being signed under penalty of perjury, do not require notarization.

MARRAS STATIONERS

#882 ON